

City of Killeen
Regular City Council Meeting
Killeen City Hall
July 14, 2015 at 5:00 p.m.

Presiding: Mayor Scott Cospers

Attending: Mayor Pro-Tem Jose Segarra, Council members Jim Kilpatrick, Juan Rivera, Shirley Fleming, Brockley Moore, Jonathan Okray, and Elizabeth Blackstone

Also attending were City Manager Glenn Morrison, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms McDaniels.

Councilmember Moore gave the invocation, and Councilmember Blackstone led everyone in the pledge of allegiance.

Approval of Agenda

Motion was made by Mayor Pro-Tem Segarra to approve the agenda as written. Motion seconded by Councilmember Okray. The motion carried unanimously.

Minutes

Motion was made by Councilmember Kilpatrick to approve the minutes of the June 23rd Regular City Council Meeting. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

Motion was made by Councilmember Okray to approve the minutes of the July 7th Special City Council Meeting. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

Resolutions

RS-15-039 Consider a memorandum/resolution authorizing the procurement of forty-two (42) encrypted digital handheld radios for the Police Department.

Staff comments: Commander Morsbach

The Staff recommends the acquisition of forty-two (42) digital radios from Dailey Wells Communications as a sole source procurement for \$140,018, and forty-two (42) accessory sets (spare batteries, battery chargers & shoulder mics) from Tac 1 Systems for \$9,025 based on lowest quoted price, and that the City Manager or designee is expressly authorized to execute any and all change orders within the amounts set by State and local law.

Motion was made by Councilmember Rivera to approve RS-039. Motion was seconded by Councilmember Moore. Motion carried unanimously.

RS-15-040 Consider a memorandum/resolution to renew the annual maintenance agreement with SunGard Public Sector.

Staff comments: Tom Moore

Staff recommends the City Manager be authorized to execute the renewal of the annual maintenance agreement with SunGard Public Sector in the amount of \$142,901.98.

Motion was made by Councilmember Okray to approve RS-040. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

RS-15-041 Consider a memorandum/resolution approving Addendum No. 3 to the Killeen Fort Hood Regional Airport Subway Real Estate LLC lease agreement.

Staff comments: Matthew Van Valkenburgh

That the City Council approve Addendum No. 3 to the Subway Real Estate, LLC lease agreement extending the term for a period of five years beginning October 1, 2015 and ending September 30, 2020 and authorizing the City Manager to execute same.

Motion was made by Councilmember Kilpatrick to approve RS-041. Motion was seconded by Councilmember Blackstone. Motion carried unanimously.

Ordinances

OR-15-012 Consider an ordinance approving Killeen Arts Commission recommendations for grant allocations of FY16 Hotel Occupancy Tax funds.

The City Secretary read the caption of the ordinance.

AN ORDINANCE PROVIDING FOR THE SPECIFIC DISBURSEMENT OF THE PROCEEDS OF THE MUNICIPAL HOTEL OCCUPANCY TAX REVENUES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Staff comments: Jonathan Locke and Ralph Cossey

Eight (8) applicants presented their grant applications to the Arts Commission regarding funding requests. The Commission recommended allocation of funding for all eight (8) applicants as described in the attached worksheet, totaling \$166,000. City staff recommends that City Council review, discuss and vote on the Killeen Arts Commission's proposed recommendations.

Motion was made by Councilmember Blackstone to approve OR-012. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

Public Hearings

PH-15-022 HOLD a public hearing and consider an ordinance authorizing the 2015-2019 Consolidated Strategic Plan submission and the 2015-2016 Annual Action Plan describing use of funds and authorizing application for and allocation of Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) program funds. (Second of Two Public Hearings)

The City Secretary read the caption of the ordinance.

AN ORDINANCE AUTHORIZING SUBMITTAL OF THE 2015-2019 CONSOLIDATED STRATEGIC PLAN AND THE 2015-2016 ANNUAL ACTION PLAN DESCRIBING THE USE OF FUNDS AND AUTHORIZING THE APPLICATION FOR AND ALLOCATION OF \$932,745.00 IN FY 2015-16 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND THE USE OF PRIOR YEAR PROGRAM INCOME AND PRIOR YEAR REPROGRAMMABLE FUNDS FOR A TOTAL EXPENDITURE OF \$981,768.05 OF CDBG FUNDS; AND THE APPLICATION OF \$301,726.00 IN HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM FUNDS AND THE USE OF PRIOR YEAR PROGRAM INCOME AND PRIOR YEAR REPROGRAMMABLE FUNDS FOR A TOTAL EXPENDITURE OF \$458,542.19 OF HOME FUNDS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Staff comments: Leslie Hinkle

Following the first public hearing on June 9, 2015, recommend approval of the 2015-2019 Consolidated Strategic Plan summary, allocation of funds under the proposed 2015-2016 Annual Action Plan, and the publishing of the proposed plans to solicit citizen comments and participation. Staff recommends approval of the final plans with revisions, as appropriate.

Mayor Cosper opened the public hearing. With no one appearing the public hearing was closed.

Motion was made by Councilmember Moore to approve PH-022. Motion was seconded by Councilmember Kilpatrick. Motion carried unanimously.

PH-15-024 HOLD a public hearing and consider an ordinance requested by Dinna Hamilton (Case #Z15-10) to rezone .309 acres, part of the A. Dickson Survey, Abstract No. 266, from "B-5" (Business District) with a Special Use Permit (SUP) to "B-5" (Business District) with a Conditional Use Permit (CUP) for continued use as Mid-Tex Towing. The property is locally known as 4100 E. Veterans Memorial Boulevard, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM B-5 (BUSINESS DISTRICT) WITH SPECIAL USE PERMIT (SUP) TO B-5 WITH CONDITIONAL USE PERMIT (CUP); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The staff notified seven (7) surrounding property owners within a 200' notification boundary regarding this request. Staff received no protests.

The Planning and Zoning Commission recommended approval of the requested Conditional Use Permit (CUP) with the following conditions:

1. That the CUP for the impound yard is valid for a period of five (5) years;
2. No salvaging or dismantling is allowed on the premises as part of the CUP; and
3. All existing screening shall remain place.

Mayor Cosper opened the public hearing.

Dinna Hamilton, owner of Mid-Tex Recovering, requested the city council to approve the request. With no one else appearing the public hearing was closed.

Motion was made by Councilmember Blackstone to approve PH-024. Motion was seconded by Councilmember Okray. Motion carried unanimously.

PH-15-025A HOLD a public hearing and consider an ordinance to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'General Residential' and 'Rural' to 'General Commercial' (FLUM# Z15-11) for approximately 8.288 acres, being part of the Robert Cunningham Survey, Abstract No. 199. The property is located on the east right-of-way of South W.S. Young Drive, approximately 300' south of E. Stan Schlueter Loop (FM 3470) and north of Rio Grande Court, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'GENERAL RESIDENTIAL' AND 'RURAL' TO 'GENERAL COMMERCIAL' FOR APPROXIMATELY 8.288 ACRES OF LAND LOCATED ALONG THE EAST RIGHT-OF-WAY OF SOUTH W.S. YOUNG DRIVE, APPROXIMATELY 300' SOUTH OF EAST STAN SCHLUETER LOOP (FM 3470) AND NORTH OF RIO GRANDE COURT, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The request is to transition from residential use to retail commercial use.

The Planning and Zoning Commission recommended approval of amending the Future Land Use Map from 'General Residential' and 'Rural' to 'General Commercial' by a vote of 8 to 0.

Mayor Cospers opened the public hearing. With no one appearing the public hearing was closed.

Motion was made by Councilmember Okray to approve PH-025A. Motion was seconded by Mayor Pro-Tem Segarra. Motion carried unanimously.

PH-15-025B HOLD a public hearing and consider an ordinance requested by LAM Estates, Ltd. (Case #Z15-11) to rezone 5.392 acres from "R-1" (Single-Family Residential District) to "B-5" (Business District) and 2.896 acres from "R-1" (Single-Family Residential District) to "B-1" (Professional Business District) for property located along the east right-of-way of South W.S. Young Drive, north of Rio Grande Court, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO B-5 (BUSINESS DISTRICT) AND B-1 (PROFESSIONAL BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The staff notified eighteen (18) surrounding property owners within a 200' notification boundary regarding this request. Staff received no protests.

The Planning and Zoning Commission recommended approval of the applicant's request by a vote of 8 to 0.

Mayor Cospers opened the public hearing. With no one appearing the public hearing was closed.

Motion was made by Councilmember Okray to approve PH-025B. Motion was seconded by Councilmember Kilpatrick. Motion carried unanimously.

PH-15-026 HOLD a public hearing and consider an ordinance to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'Suburban Residential' to 'General Residential' (FLUM# Z15-12) for approximately 52.54 acres, being part of the Azra Webb Survey, Abstract No. 857. The property is located along the north right-of-way of Stagecoach Road, approximately 420 feet west of Rein Drive, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'SUBURBAN RESIDENTIAL' TO 'GENERAL RESIDENTIAL' FOR APPROXIMATELY 52.54 ACRES OF LAND LOCATED ALONG THE NORTH RIGHT-OF-WAY OF STAGECOACH ROAD, APPROXIMATELY 420' WEST OF REIN DRIVE, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

Citizens who attended the P&Z meeting requested the city council disapprove this request.

The Planning and Zoning Commission recommended disapproval of amending the Future Land Use Map from 'Suburban Residential' to 'General Residential' by a vote of 5 to 3.

Mayor Cosper opened the public hearing.

Josh Welch, 3000 Illinois Ave. – represents the developer. Spoke in favor of the request.

Greg Garrett, 6607 Rein Dr. – Spoke in opposition of the request.

Bill King – Spoke in opposition of the request and asked council to support P&Z's recommendation.

Col Don Clay, 3739 E. Stagecoach Rd. – Spoke in opposition of the request.

Mignon Pressley, 1700 E. Stagecoach Rd. – Spoke in opposition of the request.

Lynn Dowry, 601 Rein Dr. – Spoke in opposition of request and stated that by her calculations approximately 40% of residents along the property in question are opposed to the request.

Gary Wilson, 6909 Shannon Cr. – Spoke in opposition of request and is concerned there is too much RS-1 zoning.

Glenn Bower, 6605 Rein Dr. – Spoke in opposition of request and is concerned about housing congestion in this area.

With no one else appearing the public hearing was closed.

Mayor Cosper stated for the record that he does not doubt the credibility or integrity of any of the council members.

Motion was made by Councilmember Blackstone to disapprove PH-026. Motion was seconded by Councilmember Fleming. Motion carried 3 to 2 with Mayor Pro-Tem Segarra and Councilmember Rivera in opposition, and Councilmember Moore and Councilmember Kilpatrick abstaining.

PH-15-027 HOLD a public hearing to provide citizens the opportunity to comment, and City Council to discuss and consider the application and Interlocal Agreement of the Edward Byrne Memorial Justice Assistance Grant (JAG) FY 2015-16.

Staff comments: Margaret Young, Police Dept

Staff recommends that City Council approve the submission of the 2015 Edward Byrne Memorial Justice Assistance Grant through the Killeen Police Department on behalf of all parties involved, to permit the Killeen Police Department to allocate and administer the duties required by the grant, under the oversight of the City's Grant Administrator, and to approve the interlocal agreement with Bell County and the City of Temple.

Mayor Cosper opened the public hearing. With no one appearing the public hearing was closed.

Motion was made by Councilmember Okray to approve PH-027. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

PH-15-028A Consider a memorandum/resolution authorizing the award of Bid No. 15-16 for a construction contract to RM Rodriguez Construction, LP for the Killeen Fort Hood Regional Trail (Segment 3) project.

Staff comments: Scott Osburn

City staff recommends the City Council award a construction contract to the lowest responsible bidder meeting the specifications, RM Rodriguez Construction, LP, in the amount of \$2,109,000 dependent on TxDOT concurrence.

Motion was made by Councilmember Kilpatrick to approve PH-028A. Motion was seconded by Councilmember Moore. Motion carried 6 to 1 with Councilmember Okray in opposition.

PH-15-028B HOLD a public hearing and consider an ordinance amending the FY 2015 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing Certificate of Obligation 2014 Fund revenue accounts by \$256,000 and expenditure accounts by \$659,675, to fund Killeen Fort Hood Regional Trail - Segment 3 (Westside Trail) project.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2015 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING CERTIFICATE OF OBLIGATION 2014 FUND REVENUE ACCOUNTS BY \$256,000 AND EXPENDITURE ACCOUNTS BY \$659,675; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

Staff comments: Karen Evans

Staff recommends that City Council approve the attached ordinance amending the FY 2015 Annual Budget and Plan of Municipal Services increasing capital project fund revenue accounts by \$256,000 and expenditures accounts by \$659,675.

Mayor Cospers opened the public hearing. With no one appearing the public hearing was closed.

Motion was made by Mayor Pro-Tem Segarra to approve PH-028B. Motion was seconded by Councilmember Kilpatrick. Motion carried 6 to 1 with Councilmember Okray in opposition.

Adjournment

With no further business, upon motion being made by Mayor Pro-Tem Segarra, seconded by Councilmember Rivera, and unanimously approved, the meeting was adjourned at 6:44 p.m.

Scott Cospers, Mayor

Dianna Barker, City Secretary